



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,332	08/17/2001	Kevin Scott Goldsmith	TUC920010024US1	4192
24033	7590	11/23/2004	EXAMINER	
KONRAD RAYNES & VICTOR, LLP			DAS, CHAMELI	
315 S. BEVERLY DRIVE			ART UNIT	
# 210			PAPER NUMBER	
BEVERLY HILLS, CA 90212			2122	

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/932,332

Applicant(s)

GOLDSMITH ET AL.

Examiner

CHAMELI C DAS

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. This action is in response to the reconsideration filed on 9/24/04.
2. Claims 1-54 are rejected.

Response to the Arguments

3. Applicant's argument filed on 9/24/04 have been fully considered but they are not persuasive. In remarks, the applicant argues is substance:

- (1) Cobb (US 5,119,377) does not teach the limitation of claim 1.

Response:

- (1) The Examiner believes that Cobb (US 5,119,377) teaches all the limitations recited in the independent claim 1.

As per claim 1, Cobb teaches:

- ***performing a series of test operations*** (col 5, lines 21-35, The use of the EDDC process by a software program as illustrated in FIG. 7 requires two distinct operations. First, the software programmer describes the internal structure of the software program's storage usage using ***a set of EDDC software macros***. These macros are coded as a separate job usually in parallel with the development of the software program. The output from these macros is a file that contains the Application Data Table (ADT) 10 whose entries describe the data structures (e.g., control blocks, data areas) used by the software program 30 and generic alert information required by the EDDC process 50. Second, the application programmer places error detection code 35 or alternatively, EDDC calls, at error detection points within a software

program 30 during program development”) and (col 5, lines 40-65), where, EDDC process is the test operation because it is a error detection code (col 3, lines 4-10) and it runs several times to detect the error in the software program (col 5, lines 25-65)

- **when executing the service function call** (col 2, lines 57-65)
- **wherein each test operation returns an identifier if the test operation failed** (col 3, lines 10-17, “This process is known as the **Early Detection Data Capture (EDDC)** process. It is a table-driven data collection and reporting routine which captures very specific program information, identified at the point of error detection. **It builds a unique problem identifier, known as a software symptom string**, and sends an automatic notification of the problem to an operator as is done, for example, using the IBM System Network Architecture generic alert function in a computer network utilizing this architecture”), where EDDC is the test operation and it returns an unique problem identifier, when the test operation failed (col 3, lines 30-35), where “If an error is detected” inherently including the test operation is failed
- **wherein each identifier is associated with one error state** (col 7, lines 1-37), where each “symptom string” is the problem identifier (see col 3, lines 13-14, “unique problem identifier, known as a software symptom string”), each symptom string (problem identifier) associated with the error state of the failed test operation, e.g. “DEVS” – specifies that ‘vvvvvvv’ contains a **value that identifies a device that is involved in a failure** (e.g. device number, device

address)". Similarly each problem identifier identifies the error associated with it (see col 7, lines 1-65)

- if one test operation failed, transmitting the identifier (col 3, lines 8-17), where "problem identifier (symptom string) are transmitted to the "system network **architecture generic alert function** in a computer network", the **"architecture generic alert function"** is the **"error handling agent"**
- **identifier associated with the error state of the failed operation** (col 6, lines 1-65)
- **wherein error handling agent access error information associated with the identifier** (col 8, lines 19-30), where the **generic alert function (error handling agent)** requires all the error information from the error log, inherently including error handling agent accesses error information associated the identifier as claimed
- **generates error information describing a specific cause of the error that caused the test operation to fail** (col 20-40, col 7, lines 1-65).

For claims 2-54, see the rejection in the previous office action and the rejection of claim 1 above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chameli C. Das whose telephone number is (703) 305-1339. The examiner can normally be reached on 7-3:30.

After October 25, 2004, the examiner can be reached at new telephone number (571) 272-3696, and the examiner's supervisor Tuan Dam can be reached at (571) 272-3695.

An inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-9600.

Chameli C. Das
CHAMELI C. DAS
PRIMARY EXAMINER 11/19/04